

76-5-208 Child abuse homicide.

- (1) Criminal homicide constitutes child abuse homicide if, under circumstances not amounting to aggravated murder, as described in Section 76-5-202, the actor causes the death of a person under 18 years of age and the death results from child abuse, as defined in Subsection 76-5-109(1):
 - (a) if the child abuse is done recklessly under Subsection 76-5-109(2)(b);
 - (b) if the child abuse is done with criminal negligence under Subsection 76-5-109(2)(c); or
 - (c) if, under circumstances not amounting to the type of child abuse homicide described in Subsection (1)(a), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).
- (2) Child abuse homicide as described in Subsection (1)(a) is a first degree felony.
- (3) Child abuse homicide as described in Subsections (1)(b) and (c) is a second degree felony.

Amended by Chapter 152, 2008 General Session